

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

12874-00001-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/509066

INTERNATIONAL APPLICATION NO.  
PCT/EP03/02922INTERNATIONAL FILING DATE  
20 March 2003PRIORITY DATE CLAIMED  
26 March 2002

TITLE OF INVENTION FREDERICAMYCIN I

APPLICANT(S) FOR DO/EO/US Ulrich Abel et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/509066</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP03/02922</b>	ATTORNEY'S DOCKET NUMBER <b>12874-00001-US</b>
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<p>21. <input type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) – (5)):</b>          Neither international preliminary examination fee (37 CFR 1.482)          nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO          and International Search Report not prepared by the EPO or JPO ..... <b>\$1110.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to          USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$950.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO          but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$790.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO          but all claims did not satisfy provisions of PCT Article 33(1)-(4). .... <b>\$750.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO          and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></p> <p style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p>Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months          from the earliest claimed priority date (37 CFR 1.492 (e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">CLAIMS</th> <th style="width: 25%;">NUMBER FILED</th> <th style="width: 25%;">NUMBER EXTRA</th> <th style="width: 25%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">-20 =</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">-3 =</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(s) (if applicable)</td> <td style="text-align: center;">+</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td></td> </tr> <tr> <td colspan="3"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above          are reduced by ½.       </td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL =</b></td> <td></td> </tr> <tr> <td colspan="3">Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months          from the earliest claimed priority date (37 CFR 1.492 (f)).</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td></td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must          be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td></td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Amount to be refunded: \$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Amount to be charged: \$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	-20 =		x	Independent claims	-3 =		x	MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	<b>TOTAL OF ABOVE CALCULATIONS =</b>				<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				<b>SUBTOTAL =</b>				Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>TOTAL NATIONAL FEE =</b>				Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				<b>TOTAL FEES ENCLOSED =</b>							Amount to be refunded: \$				Amount to be charged: \$	<b>CALCULATIONS</b> PTO USE ONLY
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a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 03-2775 in the amount of \$ 0.00  
to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive  
(37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

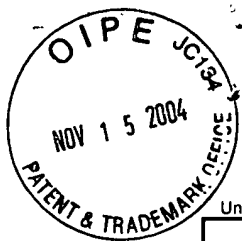
CUSTOMER NUMBER: 23416

SIGNATURE: \_\_\_\_\_  
Ashley I. Pezzner

NAME \_\_\_\_\_

35,646

REGISTRATION NUMBER \_\_\_\_\_



Rec<sup>PC7</sup>CT/PTO 15 NOV 2004

PTO/SB/92 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/509066

Attorney Docket No.: 12874-00001-US

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on November 10, 2004  
Date

J. Lynn Ferry  
Signature

J. Lynn Ferry

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office  
Submission of Substitute Specification  
Substitute specification  
Second Preliminary Amendment

**Rec'd PCT/PTO 15 NOV 2004**

Docket No.: 12874-00001-US  
(PATENT)

#6  
**NE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ulrich Abel et al.

Application No.: 10/509066

Art Unit: N/A

Filed: September 24, 2004

Examiner: Not Yet Assigned

For: FREDERICAMYCIN I

**SUBMISSION OF SUBSTITUTE SPECIFICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

Prior to examination on the merits, the applicants enclosed the following substitute specification.

**REMARKS**

The applicants have enclosed the following substitute specification. The original translation of the specification omitted the chemical formulas. The substitute specification now includes the formulas from the PCT application into the translation where the translation stated "formel". **The undersign certifies that there has been no new matter added to the specification.** Since the original claims were cancelled in the preliminary amendment, the original claims have been omitted from the substitute specification.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12874-00001-US from which the undersigned is authorized to draw.

Dated: November 9, 2004

Respectfully submitted,

By 

Ashley I. Pezzner

Registration No.: 35,646

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant